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103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. However, Applicants have not rewritten these claims because Applicants believe that the claims upon which these claims depend are allowable.

Rejections Under 35 U.S.C. §103

I. Rejection Based on Hansen in View of Victor

Claims 1, 2, 5-8, 10-14, 17-20, 22, 85, 86, 88-90, 93, 94, 96-98, 101, 102 and 104 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hansen (U.S. Patent No. 5,918,897) in view of Victor (CA:1001-676). Victor is relied upon to teach a secondary adjusting buckle (54) for providing adjustability between the binding strap (5, 10) and straps (29, 30) of Hansen. This rejection is traversed and Applicants respectfully request reconsideration.

Applicants respectfully submit that combination of Hansen and Victor is improper because Hansen teaches away from the combination. As discussed with the Examiner during the interview, Hansen emphasizes that his invention advantageously eliminates complicated threading of straps and belts with buckles. Specifically, in Hansen's binding, a "complicated threading of straps or toothed belts into locking buckles is unnecessary." (Hansen, column 2, lines 58-60). Thus, Hansen specifically teaches away from complicated arrangements and would not seek to add additional buckles to the arrangement. Therefore, Applicants respectfully submit that Hansen explicitly teaches away from combining the buckle of Victor with the binding of Hansen.

Moreover, as discussed with the Examiner during the interview, one of skill in the art would not have been motivated to include an additional buckle on Hansen, as the resulting combination would frustrate the purpose of Hansen. Hansen discloses that binding strap (5, 10) and straps (29, 30) are only connected to each other at the sidewalls (4) of the base element (3) of the binding by screws (12, 13). The screws (13) of Hansen provide the additional functionality of allowing the highback to pivot relative to the binding to allow rear entry of the boot into the binding. Victor is relied upon to teach locating a buckle at the intersection between the binding strap (5, 10) and the straps (29, 30), namely at the screw connection 13. As mentioned during the telephone interview, Victor teaches that buckle (54) is preferably molded integrally with the sidewalls (42) of the binding. (Victor, page 8, lines 10-11). As discussed, if the screws of

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Hansen were replaced with the integrally molded buckle (54) of Victor, the purpose of the screws, to act as a pivot for the highback relative to the binding, would be frustrated.

Therefore, Applicants respectfully submit that a *prima facie* case has not been presented because there is no motivation to combine Hansen with Victor. Specifically, Hansen teaches away from the proposed combination and the combination would result in an invention which would be unsatisfactory for Hansen's intended purpose. Accordingly, withdrawal of this rejection is respectfully requested.

II. Rejection Based on Hansen in View of Victor and Andre

Claims 23, 24, 26, 27, 28, 56, 57, 60, 62-65, 67-71, 74-80, 82-84, and 87 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hansen in view of Victor and Andre (U.S. Patent No. 2,531,763). Specifically, Andre is relied upon to teach a mounting system which includes a plurality of apertures and a mating hook. This rejection is also respectfully traversed and Applicants respectfully request reconsideration.

As discussed with the Examiner during the interview, Applicants submit that the proposed combination of Hansen with Victor and Andre is improper because the combination would be unsatisfactory for Hansen's intended purpose. Hansen specifically states that one advantage of his binding is that it is continuously adjustable. He states, "[b]oth adjustments are thus possible continuously rather than step-by-step." (Hansen, column 4, lines 66-67). In contrast, Andre teaches using a hook and aperture system. The hook catches with different apertures at discrete locations in order to retain the strap at a desired position. Thus, combining Hansen with Andre would necessarily result in "step-by-step" adjustments, instead of the continuous adjustability Hansen promoted.

Therefore, because substituting the hook/aperture system of Andre for the closure system of Hansen would frustrate Hansen's purpose of providing continuous adjustability, Applicants submit that a *prima facie* case of obviousness has not been presented. Accordingly, withdrawal of this rejection is respectfully requested.

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CONCLUSION


In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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Date: February 4, 2004
x02/04/04